AF-21005
4130/4180 (090)

November 5, 2004

CERTIFIED MAIL RETURN RECEIPT REQUESTED

NOTICE OF FIELD MANAGERS PROPOSED DECISION

Dear Permittee, Steering Committee Member, Interested Public:

Copies of the draft Allotment Management Plan and Environmental Assessment are available on the Kemmerer Field Office web site at www.wy.blm.gov/kfo/index.htm.

In 2001, the Kemmerer Field Office (KFO) issued a Final Decision that reduced AUMS on the Smithsfork Allotment by 30%, initiated some management actions, identified monitoring to determine if reductions proposed during the 4 years would occur, listed range projects that we felt to be needed, listed interim management actions that were to be implemented through the 2004 grazing season, and proposed the development of a new Allotment Management Plan (AMP) before the 2005 grazing season.

Under this Decision, new 10 year term permits will be issued, unless there is a base property lease for fewer years, to all permittees on the Smithsfork Allotment. The newly developed AMP will be incorporated into the terms and conditions in the new permits. The new AMP lists the authorized AUMS for all permittees on the allotment, and incorporates: #(1) management actions for both cattle and sheep which includes a new four year deferred rotation system using four pastures 43 CFR § 4120.2(a)(2), #(2) management actions that can be implemented under the flexibility section 43 CFR § 4120.2(3), and #(3) Allotment Resource Specific Objectives that are definable, measurable, and can be analyzed in future allotment analyses planned for 2008 and 2012, 43 CFR § 4120.2(4).

BACKGROUND

A. General background Information

The Smithsfork Allotment is a 90,937 acre cattle and sheep common allotment located north and east of Cokeville, Wyoming. The allotment includes approximately 64,725 acres of federal land administered by BLM, 14,627 acres of private land, and 11,585 acres of state land. The lands in the allotment have been used for livestock grazing since before the Taylor Grazing Act of 1934.

Both cattle and sheep have historically used the Smithsfork Allotment. During the 1960's and early 1970's, a number of the sheep permits were converted to cattle permits. At the time the allotment was adjudicated, there were 33 separate livestock operations. At present through consolidation of operations and conversions in kind of livestock, as well as base property leases, a total of 19 operators are permitted on the allotment under 24 different permits. Four operators run sheep only, one runs both sheep and cattle, and fourteen run cattle only. There are a total of 9,814 active use federal animal unit months (AUMS), 6,209 of which are cattle AUMS and 3,605 of which are sheep AUMS. The table on page 7 shows the permitted and suspended AUMS on the allotment. The tables on pages 11 and 14 depict the current authorized use on the allotment. There are also 4,190 AUMS of suspended use shown on the permits. This suspended use includes the AUMS reduced in the 2001 Final Decision.

The West Smithsfork Grazing Association was formed by the permittees in the 1950s in an effort to cooperate in the management of the allotment. This Association was in effect until the 1970s, at which time it became an informal organization. In the spring of 1999, the permittees reorganized the Grazing Association into the Smithsfork Grazing Association, which is formally chartered with the State of Wyoming. The purpose of the Association is to help facilitate management on the allotment, provide the permittees more consistency in the management of their livestock, and allow a more stable working relationship with the BLM.

The Smithsfork Coordinated Resource Management (CRM) process was initiated in the spring of 1995. Over 75 people were at the initial meetings concerning the formation of the CRM. The Smithsfork Coordinated Resource Management Steering Committee was formed with membership coming from the Smithsfork Permittees, surrounding land owners, the Lincoln County Commission, the Bear Lake Regional Commission, Trout Unlimited who represented the Sierra Club, Wyoming Wilderness Society, and other environmental groups, Wyoming Outdoor Council (WOC), the Wyoming Game and Fish Department, and the Lincoln Weed and Pest. The representatives for WOC and the Wyoming Game and Fish Departments have since resigned from the CRM. The current mailing list for the CRM has 87 individuals and organizations.

Several Technical Review Teams (TRT) have been formed and used by the Steering Committee (SC). TRT's are used when a specific problem or need arises that the SC needs to address. Examples of TRT's are the planning TRT who worked on the AMP and the TRT who developed and monitored the greenlines on the allotment. These teams are made up of people who are knowledgeable in their fields; BLM employees, permittees, personnel from the Wyoming Game and Fish Department, other federal and local agencies, and outside experts when needed.

The allotment includes a wilderness study area (WSA), which is located solely within the allotment, and an area of critical environmental concern (ACEC), which is located solely within the WSA. Both cattle and sheep use the WSA and the ACEC. The Raymond Mountain WSA is located in the Sublette Mountain Range (Raymond Mountains) in the western portion of the Smithsfork Allotment. The WSA is approximately nineteen miles in length and four miles wide at its widest point. It contains about 32,936 acres. The WSA has diverse vegetation and steep topography. A major portion of the area is forested with Douglas fir, lodgepole pine, and other coniferous trees, as well as aspen. The southern end of the WSA contains stands of big sagebrush and rock outcrops.

The Raymond Mountain ACEC was designated in 1982. The ACEC was designated to emphasize the management needs of the Bear River (Bonneville) Cutthroat Trout (BCT), which is a BLM sensitive species. The ACEC is approximately 11 miles in length and 4 miles wide at its widest point. It contains approximately 12,660 acres.

Several streams are located in the allotment and within the WSA including Raymond Creek, Mill Creek, and Huff Creek. Numerous other streams are located within the allotment outside the WSA, including Coal creek, Stoner Creek, First Creek, Second Creek, Third Creek, Fourth Creek, Little Muddy Creek, Muddy Creek, North and South Corral Creek.

B. Laws and Management Directives Governing BLM's Management of the Allotment

BLM's management of the Smithsfork Allotment is governed by numerous applicable laws and regulations, as well as by management prescriptions and objectives contained in land use planning documents and other applicable management directives. Some of the laws governing management of the allotment include the Taylor Grazing Act, as amended, 43 USC 315, the Federal Land Policy and Management Act (FLPMA), as amended, 43 USC 1752, the Endangered Species Act, 7 USC 136, and the National Environmental Policy Act (NEPA), 42 USC 4321-4347. Included among the regulations governing BLM's management of the allotment are the grazing regulations in 43 CFR Part 4100.

BLM's management of the allotment is further governed by various land use planning documents and other management directives, only some of which are mentioned here. The 1986 Kemmerer Resource Management Plan (RMP) and the 1990 Rangeland Program Summary Update provide direction for management of the Smithsfork Allotment. The Allotment is also subject to the management prescriptions contained in the 1979 Thomas Fork

Aquatic Habitat Management Plan (AHMP). The AHMP provides direction for managing habitat for the Bonneville Cutthroat Trout. The RMP stated on page 25 "The Thomas Fork HMP will continue to be implemented to improve habitat for the BCT and to maintain or improve associated riparian areas in the Thomas Fork Drainage". Management of the Raymond Mountain WSA is subject to the provisions of the Interim Management Policy and Guidelines for Lands Under Wilderness Review: Update Document H-8550-1, 11/10/87. Management of the ACEC is subject to the 1982 Raymond Mountain ACEC Plan. The RMP stated on page 28 "The Raymond Mountain ACEC plan will continue to be implemented".

In addition to the aforementioned management directives, the BLM is guided by the Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management (S&G's), the BLM Strategic Plan Goals, and the BLM's Riparian Initiative. The Riparian Initiative goal is to restore and maintain riparian-wetland areas so 75 percent or more of these areas are in proper functioning condition.

The Greenline Technical Review Team (TRT) established greenline objectives when the greenlines were initially read. These objectives were mentioned in the 2001 Final Decision as not being met and have been formally incorporated in the AMP as one of the Allotment Resource Specific Objectives.

The 1986 Kemmerer RMP categorized the Smithsfork Allotment as an (I) Allotment and ranked it number one for priority. The overall objective for "I" category allotments is to "improve' range conditions. The RMP identified poor livestock distribution, some riparian/wet meadows being overgrazed by livestock, conflicts between wildlife/watershed and livestock grazing, and accelerated soil erosion as problems on the allotment. The chart listed below was taken from the RMP and lists the problems and opportunities documented for the Smithsfork Allotment.

Allotment Number	Allotment Name	Resource Conflicts/Problems	Resource Management Objectives/Opportunities	Priority Ranking
21005	Smithsfork	Poor livestock distribution. Some riparian/wet meadow areas being overgrazed by livestock. Conflicts between wildlife/watershed and livestock grazing. Potential conflicts with energy development and other resources. Wildlife ACEC area. Some problems with unauthorized use by livestock. Accelerated soil erosion.	Need to improve distribution by developing water for livestock, salting and herding away from bottoms. Need to determine proper stocking rate through monitoring. Potential for vegetation manipulation on loamy range sites. Need to implement a grazing system based on the phenological requirements of the vegetation. Current program of dye marking cattle will be continued. Need to implement watershed management plan.	**1**

C. Grazing History on the Allotment Through 2000

The federal and unfenced private and state lands in the Smithsfork Allotment were surveyed in 1960-62 to estimate annual forage production and to arrive at livestock carrying capacity adjudication. On the basis of that survey, livestock grazing was allocated at approximately 20% of the estimated total annual vegetation growth. The remaining annual plant production (80%) was reserved in place for plant health, watershed and soil protection, wildlife habitat and aesthetic purposes.

The Smithsfork Allotment, Notice of Final Advisory Board Recommendation and Decision of District Manager on Adjudication of Grazing Privileges, was adjudicated on March 30, 1966, for 11,584 livestock AUMS. This amounted to a 38.9% reduction from the recognized Class I demand of 18,945 AUMS; 2,348 AUMS were reserved for wildlife. The adjudication was subsequently appealed by the permittees. By a stipulation and agreement dated August 7, 1967, signed by the District Manager and State Director, the appellants withdrew their appeals. Parties to the agreement did agree to apply for and accept non-use to the extent of 13% of their recognized qualified demand. They also agreed to a three-year sagebrush control-spraying program. In 1968, 1969, and 1970, a total of 21,222 acres of Federal, State and private lands were sprayed. On November 10, 1970, the Kemmerer Resource Area Manager evaluated the spraying program and as a result, restored the amount of the 13% voluntary non-use mentioned above, to approximately 14,000 AUMS of federal preference.

Prior to formation of the Smithsfork Coordinated Resource Management (CRM) Steering Committee in 1995, there was an informal grazing system employed on the north end as a result of the Thomas Fork AHMP. The informal system consisted of deferment of the Huff Creek watershed until after August 1 each year. A rider was utilized on the north end to control livestock. Construction of the Huff Creek and Coal Creek Exclosures was completed in 1980, and the Little Muddy exclosure was built in 1982. Riding continued to be the primary method for livestock control during the 1995-2000 grazing seasons.

In 1995 and 1996, the permittees proposed a rotation using herding in lieu of pasture fencing as an alternative to season-long grazing. The operators attempted to rotate their individual cattle herds according to the rotation plan, but livestock control was very difficult. This system did not improve grazing distribution or resource conditions significantly.

The Little Muddy exclosure was rebuilt with new materials in 1997. The Huff Creek exclosure was rebuilt with new materials in 1999. The Coal Creek exclosure was reconstructed in October 2000. The BLM assumed maintenance responsibility on the exclosure fences. Since the establishment of the CRM in 1995, changes in management were employed under Annual Authorizations or Annual Operating Plans (AOP). Various deferred rotation systems using natural barriers and herding were attempted between 1995 and 2000.

In 1997, a high-intensity, short-duration system using riders was implemented under an AOP. Each operator had assigned use areas, move dates and utilization criteria. Voluntary non-use was taken to provide rest in Raymond Canyon. Again, this system did not produce the desired results due to the lack of pasture fencing and difficulty in controlling cattle by herding alone.

The 1998 AOP proposed two separate grazing rotations; one for the north half and one for the south half of the allotment. The north and south units each had four use areas in which cattle were to be rotated in a deferred grazing system. Spring/fall sheep use was also coordinated with the cattle rotation. Some electric fencing and four full time riders were used to implement these rotations. Some success was noted in lowering utilization levels, achieving better grazing distribution and increasing residual stubble heights along riparian greenlines.

Approximately 11,500 AUMS of Active Use of the 14,010 AUMS of Active Preference were licensed for the five years prior to 1999. This average 18% non-use includes ten percent voluntary non-use taken by the permittees in 1997-1999 to compensate for prescribed rest of the Raymond Canyon Watershed recommended by the BLM.

In 1999, the AOP essentially continued the 1998 grazing plan, which resulted in improvement in resource conditions on portions of the allotment, especially Raymond Canyon. However, cattle control without pasture fences continued to be inadequate. This grazing plan proposed 7 pastures for rotating two separate cattle herds in the north and the south. Successful implementation of these rotations would require an excessive amount of pasture fencing. A much simpler grazing system involving fewer pastures and perhaps a single cattle herd was proposed after the grazing season by the association.

In 2000, a two-pasture deferred system with one herd of cattle and individual use areas for sheep was attempted. Initially, cattle were distributed to the South Pasture from late May through Mid-July. Without fencing barriers, some cattle made their way into the North Pasture early, especially in the Little Muddy drainage. Four riders were assigned to keep cattle in the authorized use areas.

Complications with the riders occurred including injuries, scheduling difficulties, cattle placement, and communication problems. When the pasture moves were scheduled to the North Pasture, the majority of the cattle made the move; however there continued to be cattle drift and strays throughout the summer in the South Pasture. Raymond Canyon was used heavily due to inadequate control of livestock in the canyon. The result after one year albeit during drought conditions, was that stubble heights were exceeded in most of the streambank riparian corridors for some or a large portion of each of the streams in the allotment. Regrowth did occur to adequate levels where livestock were successfully herded or kept out of the creeks for that time frame. However, even where this success was observed early, it was compromised later in the season due to drift of livestock back into those areas, utilizing that critical regrowth.

D. The 2000 S&G Assessment

A Rangeland Health Standards and Guidelines Conformance Assessment (S&G Assessment) was completed on May 5, 2000 by a BLM interdisciplinary team (ID Team). The S&G Assessment found that the resource conditions on the allotment did not meet Standard #2 (Riparian and wetland vegetation . . .) or Standard #4 (Rangelands are capable of sustaining viable populations and a diversity of native plant and animal species appropriate to the habitat . . .) and found that grazing management practices and levels of grazing use were significant factors in the failure to meet Standards #2 and #4. Under the grazing regulations, 43 CFR 4180, once a determination is made that existing grazing management practices or levels of grazing use are significant factors in the failure to achieve standards and/or failing to conform with guidelines, BLM is obligated to take appropriate action no later than the start of the next grazing year that will result in significant progress toward fulfillment of the standards and significant progress toward conformance with the guidelines.

The ID Team made numerous specific recommendations on ways to address the resource problems on the allotment and thereby begin making significant progress toward fulfillment of the standards and significant progress toward conformance with the guidelines. The ID Team recommendations included:

1. Future permit terms and conditions need to address a reduced amount of hot season grazing that occurs on the same riparian areas at the same time each year and discontinuation of season long grazing on parts of the allotment.

2. Grazing management practices must provide for restoration, maintenance and improvement of riparian plant communities, and maintenance of adequate residual plant cover following grazing.

3. Timing, duration and levels of authorized grazing must be addressed throughout the allotment.

4. Range improvements could be utilized to address implementation of grazing management changes to restore, maintain, or enhance habitats to assist in the recovery of sensitive or listed species.

E. Allotment Evaluations

The Final Smithsfork Allotment Evaluation was sent out on April 24, 2001. It documented that resource conditions were in need of improvement and did not meet any of the objectives set for the allotment.

A second Allotment evaluation was conducted after the 2003 grazing season. The evaluation showed that management objectives for the allotment were not achieved.

F. The 2001 Decision

After issuance of proposed decisions to each permittee in April 2001 and consideration of protest, BLM issued Final Decisions to each of the permittees on the Smithsfork Allotment on August 2, 2001 (2001 Decisions) issuing four-year permits. Among other things, the 2001 decisions reduced the authorized active grazing use on the allotment, implemented a four-pasture deferred grazing system, and provided for construction of numerous range improvements. The 2001 decisions noted that "the four year term will…provide data and knowledge for implementation of a long term (10 year) grazing management plan".

G. Grazing Use since Issuance of the 2001 Decision.

Since issuance of the 2001 decision, all changes called for in the 2001 decision were implemented. These were:

a. Reduction of the authorized federal grazing use on public lands and authorized Exchange of Use credit for unfenced private and/or state lands inside the Smithsfork Allotment. This was achieved by:

- Reducing the number of cattle by 10% in 2001;
- Reducing the length of the grazing season for cattle in 2002 and again in 2004;
- Reducing the sheep numbers and AUMS in 2001, 2002, and 2004 by 105 per year;

b. Implementing a four year multi pasture grazing system, the four pasture system used the south pasture first until all pasture fences would be built.
c. Incorporating additional terms and conditions in the permits to improve the resource conditions on the allotment;
d. Construction of most of the range improvements, all of the proposed fences except the Forest Service Boundary Fence, and six spring developments were constructed.

As implemented, the 2001 decision reduced the prior 14,010 AUMS of active preference to 9,814 AUMS, including 6,209 Cattle AUMS and 3,605 Sheep AUMS. These AUMS are the permitted numbers listed in the AMP. The AUMS that were reduced and are no longer authorized appear on the new permits as Suspended AUMS.

Among other things, the 2001 decision indicated that another allotment evaluation would be completed at the end of the 2003 grazing season and that evaluation was done. The 2003 evaluation showed that vegetation use objectives established in the 2001 decision had not been met. The reduction for the 2004 grazing season was implemented based on the findings of the 2003 evaluation.

Since issuance of the 2001 decision, BLM has been working with the Smithsfork Steering Committee, the permittees, and the interested publics to develop a long term AMP on the Smithsfork Allotment.

On August 6, 2004, a Final Decision was issued that required all cattle authorized to graze on the Smithsfork Allotment, including cattle grazed under livestock control agreements, to have an ear tag provided by and specified by the BLM stating with the 2005 grazing season. In order to facilitate the ear tagging process, the BLM will provide the ear tags to the permittees in the fall of 2004 so the tags can be attached during the normal handling of the cattle prior to the 2005 grazing season. All permittees are required to provide any and all brands found on the cattle that are turned out to the KFO prior to being turned out on the allotment as required by regulation (43 CFR 4130.7(e)). Ear tagging has been incorporated into the draft AMP as a management stipulation.

End of the year monitoring for the 2004 grazing season showed the vegetative use objectives for stubble height and willow use were met. The greenline monitoring and PFC surveys were not read in 2004. Photo points taken in 1989, 1993, 1994 and 1998 and again in 2004 show improvement in resource conditions on the allotment has occurred. While improvements have been identified, it should be noted there is a long way to go before the allotment meets the Vegetative Resource Specific Objectives and the other objectives established in the AMP. With this in mind, the BLM believes implementing the management actions and adhering to the objectives established in the AMP, will continue improvement of the resource and eventual attainment of the 75% PFC rating on all streams on the allotment and other resource objectives will occur.

DECISION

My decision is to issue ten year term permits to each of the permittees on the Smithsfork Allotment, unless there is a base property lease which will have the term of the base property lease. The new Allotment Management Plan (AMP) will be incorporated into the terms and conditions of the permits. I have determined that the issuance of a new ten year term permit, with the AMP as a term and condition of the permits, is in the best interest of sound rangeland management. Management of the Smithsfork Allotment prescribed in the AMP will be followed on an annual basis. See map on page 8 for planned pastures.

The permittees are responsible for on the ground management of the livestock. The permittees are expected to comply with the designated move dates for pastures and having the livestock off the allotment on the permitted off date. The permittees are expected to have an adequate number of riders to manage the livestock on the allotment.

The current permitted AUMS will be authorized on the new permits to be issued on March 1, 2005. The permitted

numbers have not changed from the current permits, which expire February 28, 2005, with the exception that there have been a couple of transfers of grazing privileges since the issuance of the 2001 decision. The following chart shows the permitted use:

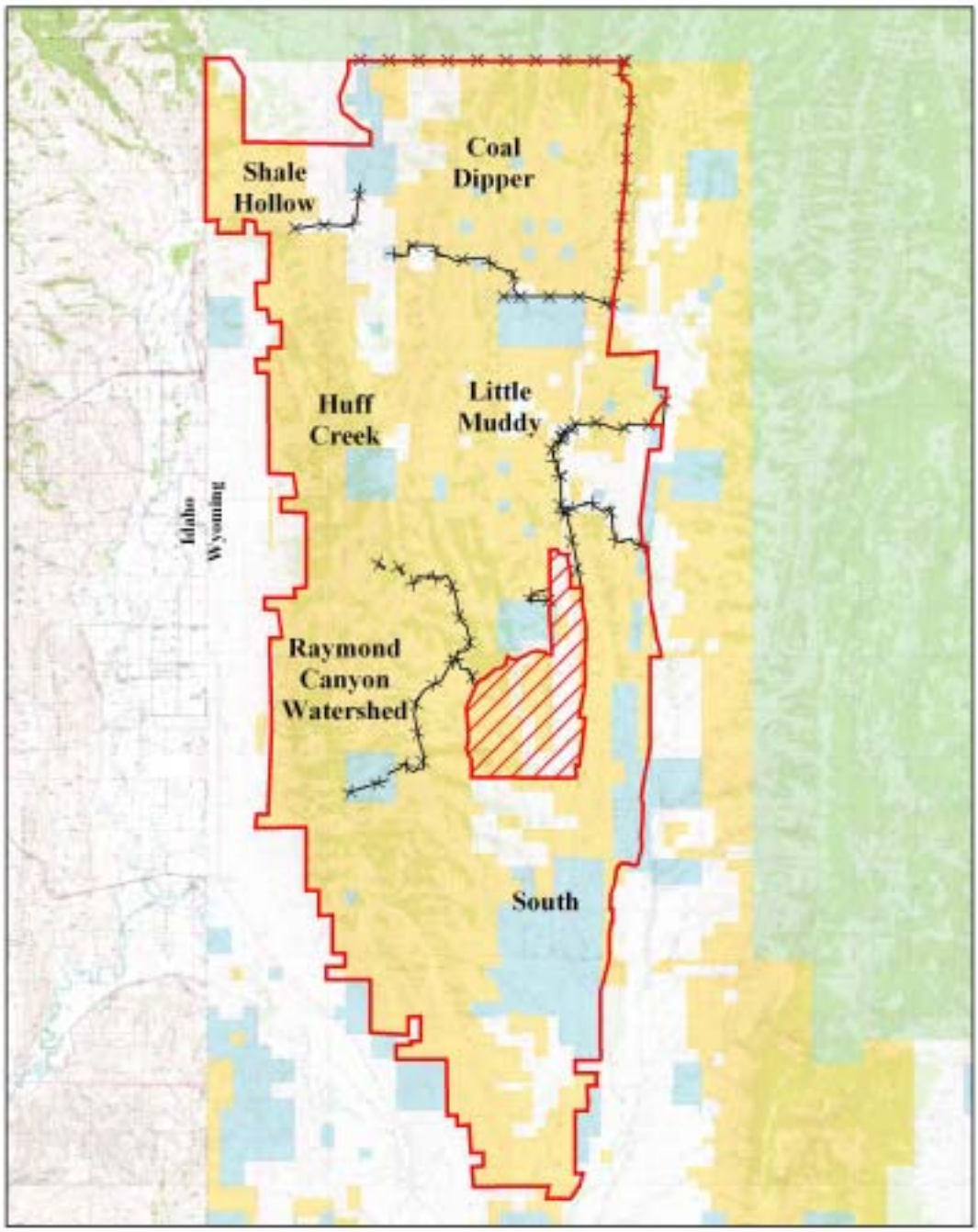
AUTHORIZATION NUMBER	OPERATOR	PERMITTED AUMS	SUSPENDED AUMS
4904005	ARGYLE RANCH INC	1156	495
4904012	BISCHOFF, ERNEST G.	29	12
4904016	BOEHME RANCH	296	126
4904017	BOEHME, JOHN & SONS	68	27
4904028	3Y LIVESTOCK LC	775	330
4904030	BOEHME, GARTH T.	110	45
4904043	HARDESTY, CHARLES & ANGELA	200	84
4904062	JOHNS, ROLAND	141	57
4904080	HIRSCHI, LaVALL	4	3
4904104	LOERTSCHER, KARMA	469	198
4904138	ROBERTS, FRED W	1784	765
4904192	TEICHERT BROTHERS, LLC	132	54
4904198	MINHONDO RANCH	194	81
4904265	CORNIA, HAL B	131	54
4904276	POPE, EVAN	1689	723
4904300	CORNIA, HAL B	186	78
4900048	K-H INVESTMENTS LIMITED	319	135
4900105	ESTERHOLDT, ERICK W**	530	222
4900157	BROOKS, SHANE, lease	57	24
4900221	ARGYLE RANCH, INC, lease	98	42
4900212	NECKTIE RANCH, LLC, lease	588	266
4900217	ROBERTS, FRED W	37	8
4900219	ARGYLE RANCH, INC	187	85
4900220	LARSON, GERRY, lease	634	276
	TOTALS	9814	4190
4900105	** Fenced private pasture	21	

The AMP has been developed and approved under 43 §§ 4120.2; Allotment management plans and resource activity plans. (a) The plan shall become effective upon approval by the authorized officer. The plans shall—(1) Include terms and conditions under §§4130.3, 4130.3-1, 4130.3-2, 4130.3-3 and subpart 4180 of this part; (2) Prescribe the livestock grazing practices necessary to meet specific resource objectives; (3) Specify the limits of flexibility, to be determined and granted on the basis of the operator's demonstrated stewardship, within which the permittee(s) or lessee(s) may adjust operations without prior approval of the authorized officer; and (4) Provide for monitoring to evaluate the effectiveness of management actions in achieving the specific Allotment Resource Specific Objectives listed in the plan. (b) Private and State lands may be included in AMP'S … dealing with rangeland management with the consent or at the request of the parties who own or control those lands…. (c) …The decision document following the environmental analysis shall be considered the proposed decision for the purpose of subpart 4160 of this part. (d) A requirement to conform with completed AMP'S…shall be incorporated into the terms and conditions of the grazing permit…for the allotment. (e) AMP's may be revised or terminated by the authorized officer after consultation, cooperation, and coordination…

Management actions in the AMP are:

1. <u>General Management Stipulations Common to Both Classes of Livestock</u>

   - Requests for an increase of AUM's authorized on the allotment will not be given consideration unless and until the riparian conditions reach PFC on 75% of the streams on the allotment.
   - Vegetative Treatments can begin after an adequate grazing system is in place and control of livestock has been demonstrated (livestock in proper pastures at the specified times).



NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT FOR USE OF THE DATA FOR PURPOSES NOT INTENDED BY BLM.

Smithfork Allotment
Road Allotment
Fence
Bureau of Land Management
Forest Service
Private
State

N

0 0.5 1 2 Miles

NOTICE -- NOTICE-- NOTICE
Due to Federal and State Land Exchanges or Sales, this map may not accurately reflect Land Ownership Status.
Please consult the local BLM Field Office or USFS Ranger District for current updates or ownership status.

- Voluntary non-use, 8% based upon surveyed capacity of the Raymond Canyon Watershed, has been implemented for all authorizations. The BLM recommended the non-use, and the permittees agreed to take voluntary non-use rather than have it decisioned. Based on the non-use, no grazing is authorized in the watershed at the present time. This is to assist in the recovery of the riparian areas in the watershed. This non-use will continue to be reflected on the Annual Grazing Applications and Grazing Bills, (see charts on pages 11 and 14 for the 2005 grazing season). The non-use rate is calculated based on the current year's authorized AUMS. When conditions improve to meet the riparian objective of 75% of streams on the allotment meeting PFC, then the BLM will consider re-authorizing these AUMS. If conditions on the riparian areas deteriorate after the AUMS are re-instated, the AUMS will be reduced to the 8% non-use and placed into suspension on the permits.
- Trailing will be allowed in the Raymond Canyon Watershed. This use will be restricted to trailing to and from the designated use areas on the allotment. Cattle herds will be trailed through the canyon in one day. The KFO will be notified prior to livestock being trailed through the canyon so the use can be monitored. This use will be approved based upon resource data available from the monitoring for the current year's use. Fall trailing may be limited or curtailed based on that data.
- Some permittees who have private and/or state lands within the allotment have proposed fencing their in-holdings. This would allow them to use their lands unfettered by the AMP and its management requirements. This would also mean they may need to trail to their in-holdings prior to or after the end of the grazing season. This trailing would have to be applied for prior to the trailing and would have to be on an annual basis. This trailing would be allowed, based on the location of the proposed trailing, and the timing of the trailing which would have to be coordinated and authorized prior to use. The AUMS used for trailing would be counted as Permitted AUMS.
- Trailing back through a pasture that has already been used in the fall to get the livestock back home will be authorized. This trailing will take one day. Use of the 4th creek pasture for a holding pasture can be authorized
- Sheep use, other than trailing, in the Raymond Canyon Watershed may be authorized on an annual basis. This use would be restricted to the uplands within the North Fork of Raymond Creek. No sheep use would be authorized in the riparian areas. Spring and fall sheep trailing will be authorized. Sheep trailing will be restricted to the uplands along the Igo Speedway on either side of the Raymond Canyon Watershed fence.
- The association will maintain an adequate number of riders and one range boss, dedicated to the management of cattle for the duration of the grazing period each year. One of the riders will be assigned to keep cattle out of Raymond Canyon. Under the direction of the Range Boss, the riders will maintain distribution within the pastures, herd cattle away from spring lambing areas, assist in the pasture moves, and the fall gather. The riders will move with the herd in both the south and north pastures. The riders will be allowed reasonable accommodation for horses and a camp throughout the use period. All riders will be in place prior to the grazing season.
- During the lambing period, cattle should not disturb the ewes and new lambs. The range riders will distribute cattle in the south unit to avoid the lambing areas, and will keep cattle herded away until the ewes have lambed. The Range Boss and the sheep permittee will resolve problems that may develop each year to allow the ewes and lambs to mother up and move, and to allow docking, branding, and making up the herds to occur.
- Cattle can be distributed throughout the entire pasture once they are moved into a pasture.
- Livestock will be moved on established move dates unless it appears established use criteria may be exceeded. In those cases, the BLM staff and Range Boss will determine earlier actual move dates based on maintaining a minimum green-line sedge stubble height of 3 inches and/or not exceeding 40% willow use in the spring and second use period pastures. Five (5) inches and 40% use on the willows will be the move criteria in the third and fourth pastures.
- **N**on-permittees who trail must apply for and have the trailing approved prior to making use each year.
- Salt placement will be coordinated with the grazing schedule to improve cattle distribution within pastures. Salt placement within any pasture must be located at least 1/4 mile away from federal riparian areas and aspen stands. Salt will be removed from a pasture after that pasture has been used, and salt will not be placed in a pasture until one week prior to that pasture being used.
- The boundary fence on Etcheverry/Esterholdt pasture may be moved back to the federal land-line if problems with maintenance continue.

- Because of the need to accurately identify all authorized livestock on the allotment, achieve an accurate count of authorized livestock numbers, and assure only authorized cattle are being run on the allotment, all authorized cattle on the Smithsfork Allotment will have a BLM ear tag as provided and specified by the BLM during the 2005 and subsequent grazing seasons. In addition, all permittees who plan on running livestock that they do not own are required to provide all brands to the KFO prior to turn out, as required by regulation. These cattle will also be ear tagged with the authorized BLM ear tags.

  The BLM will allow up to a three percent loss for ear tags in authorized cattle each year. (For every 100 ear tags issued for the 2005 grazing season, the expected ear tag loss due to death or loss of the ear tag while the cow is on the range would be three tags per year.) Upon request by the permittees at the end of the current grazing year, new ear tags will be provided at the end of the grazing season to cover up to a three percent loss. Ear tags will have to be removed from cattle sold or otherwise not returning to the allotment the following year as no credit will be authorized for any such ear tags not removed and returned to the BLM.

  Different colored ear tags will be provided every fourth year. The replaced ear tags will no longer be accepted as the authorized ear tag for cattle on the Smithsfork Allotment.
- Sheep grazing and/or trailing on the allotment will be counted; this can occur either when the sheep enter the allotment or after the sheep are on the allotment.
- Re-grazing of a drainage or federal riparian area used by sheep in the spring will not be authorized for sheep use in the fall: the North Corral Creek drainage can be grazed either in the spring or the fall..
- Sheep operations will be coordinated among the users and with the BLM to avoid conflicts on the allotment. Each operator's annual operating system and use area will be defined prior to the grazing season and listed on the individual Grazing Authorization.
- Sheep will be herded to water. Once the sheep have watered, they will be herded away from the water and not be allowed to linger on the riparian areas located on federal lands. Specific watering sites will be identified with the operator and BLM prior to the start of the grazing season and/or different watering spots will be used each day to avoid over use at the watering sites. Daily use periods for watering should not exceed 2 hours, for example between 11:00 AM and 1:00 PM, or as determined by the sheep operator. The operator should notify the BLM of his preferred time.
- Drop herds for lambing will be allowed to stay in place while the lambs are young. Once the lambs are old enough for the drop herds to be pulled back into the larger herds, these herds will follow established herding and move criteria. Re-grazing of an area once the criteria have been met will not be allowed.
- Sheep herds will not be allowed to linger on the riparian areas. The herds will be moved using the established move criteria to avoid over using any specific area.
- No sheep camps will be allowed in the riparian areas located on federal lands.
- No sheep will be allowed to bed down over night in the riparian areas located on federal lands.
- Any docking, holding, or separating corrals will be set up away from riparian areas located on federal lands.
- Exchange of Use (E/U) AUMS. A landowner receives credit for AUMS on unfenced private/state lands made available for grazing within an allotment. The private landowner or state lessee who makes these lands available for grazing by other permittees receives credit for the same number of AUMS, which allows them to graze their livestock on the federal lands within that allotment. E/U AUMS do not show up on permits, unless percent Public Land (PL) is expressed. On the Smithsfork Allotment, all permits reflect 100% PL, and show only the authorized federal numbers and AUMS. The E/U AUMS are shown on the basic schedule, grazing application, and grazing bills.
- Until such time that the north boundary between the Kemmerer Ranger District and the Smithsfork Allotment can be fenced, the permittees will use a rider to keep their cattle off the Forest Service land.
- Periods of use by Pasture: Based on total numbers and surveyed AUMS. These AUMS were taken off the survey map developed from data collected in the late 1960's and supported by subsequent monitoring.

South	35 days
Little Muddy	20 – 30 days
Coal/Dipper	30 days
Huff	15 to 20 days

Grazing Rotation and Pasture Management System for Cattle, Basic Schedule

The information in the chart below shows the numbers of livestock and AUMS that will be authorized to graze in 2005. The numbers include the 8% non-use for Raymond Canyon. These numbers will be shown on the 2005 Grazing Applications, but are not reflected on the Grazing Permits.

AUTHORIZED (BASIC) USE AS OF MARCH 1, 2005						
NUMBER	*NAME*	TYPE OF USE	NUMBER	ON DATE	OFF DATE	AUMS
4904138	ROBERTS	FEDERAL	148	05/16	09/01	530
		E/U	*62*			*218*
4904012	BISCHOFF	FEDERAL	8			27
4904016	BOEHME RANCH	FEDERAL	77			272
4904017	JOHN BOEHME	FEDERAL	17			63
		E/U	*9*			*33*
4904030	GARTH BOEHME	FEDERAL	28			101
49004157	SHANE BROOKS	FEDERAL	15			52
		E/U	*64*			*224*
4904043	HARDESTY	FEDERAL	52			184
4900105	ESTERHOLDT	FEDERAL	136			488
		E/U	*157*			*614*
4900212	MUIR	FEDERAL	101			333
		E/U	*8*			*29*
		FEDERAL	63			208
4904062	JOHNS	*E/U*	*8*			*29*
4900048	CORNIA	FEDERAL	82			293
4904104	LOERTSCHER	FEDERAL	121			431
		E/U	*4*			*15*
4904192	TEICHERT	FEDERAL	35			121
4904198	MINHONDO	FEDERAL	50			178
4904265	CORNIA	FEDERAL	34			121
4904276	POPE	FEDERAL	434			1554
		E/U	*180*			*643*
4904300	CORNIA	FEDERAL	48			171
		E/U	*41*			*144*
4900220	LARSON	FEDERAL	163			584
	TOTAL NUMBERS	FEDERAL E/U	1613 533			5711 1949

Grazing rotation and pasture management system for cattle:

- The current fencing has created three (3) separated pastures; the South end, the Huff Creek/Little Muddy Creek drainages, and the Coal/Dipper Creek area. The IGO Speedway divides the Huff Creek/Little Muddy into separate areas. The permittees feel they can control the boundary between the Little Muddy and Huff Creek drainages or use areas without additional fencing. These four areas (pastures): South, Little Muddy, Coal/Dipper, and Huff will be used for a 4 pasture deferred rotation for cattle (see map in map section) .
- Three years out of four, cattle are planned to start in the Little Muddy, Coal/Dipper, or Huff Creek pastures. These dates are calculated on pasture size and using the pastures in a rotation, and from previous monitoring data that shows a trend for approximate move dates.
- The Fourth Creek pasture can be used as a holding pasture for fall round-up.
- Pasture management and moves will be based on dates. By using dates, the permittees have a set day they know the livestock are to be moved by can plan ahead to have adequate riders for the moves. The pasture dates are listed below for each different pasture schedule. These dates and use periods are based on total number of cattle and estimated surveyed AUMS by pasture. It is the responsibility of the permittees to meet the specified pasture move dates and permitted off date for the allotment.

- Livestock use will be monitored and livestock may be moved earlier than the dates listed for the pasture management. Utilization criteria in the first and second pastures is 3 inches for Nebraska Sedge where it is dominant or 5 inches for Beaked Sedge where it is dominant, 5 inches in the third and fourth use pasture for sedge stubble height, and 40% utilization on willows.

    - Spring Use-Start Pasture: The following indicators will be used to help determine when to remove cattle from the spring pasture, or when to shift distribution within this pasture: 1) Animal behavior, i.e. (cattle starting to hang in the riparian areas); 2) forage selectivity; 3) willow use criteria. The allowable use criteria is 3 inches on sedges and for willows is 40% of current years growth based on the average percent of leaders browsed on approximately 20 plants on the federal riparian transects.
    - Second Use Pasture-Summer: Livestock will be removed when the stubble height on the sedge community approaches 3 inches. The allowable use criteria for willows is 40% of current years growth based on the average percent of leaders browsed on approximately 20 plants on the federal riparian transects.
    - Third Use Pasture-Summer: Livestock will be removed when the stubble height on the sedge community approaches 5 inches. For upland utilization, livestock will be moved when 50% utilization of current year's growth, as measured by the Key Forage Plant Method, is reached on grasses. The allowable use criteria for willows is 40% of current year's growth based on the average percent of leaders browsed on approximately 20 plants on the federal riparian transects.
    - Last Pasture-Off Pasture: Livestock will be removed when the stubble height on the sedge community approaches 5 inches. For upland utilization, livestock will be moved when 50% utilization of current years growth, as measured by the Key forge Plant Method, is reached on grasses. The allowable use criteria for willows is 40% of current years growth based on the average percent of leaders browsed on approximately 20 plants on the federal riparian transects.

- Use of the Fourth Creek pasture as a holding pasture will be authorized for the fall round up.

The complete pasture rotation system will be based on the information listed below:

Once the AMP is implemented, the following grazing schedule will go into effect. The Huff Creek pasture was used last in 2004 and will be used first in 2005. This grazing system will be implemented with the 2005 grazing season.

YEAR 1	START	MOVE TO	MOVE TO	OFF	
	Huff	Coal/Dipper	Little Muddy	South	
	5/16 to 6/05	6/06 to 7/05	7/06 to 8/01	8/02 to 9/1	

***** **Spring Use-Start Pasture-Huff Creek**: The livestock will be moved from this spring pasture no later than June 5.

***** **Second Use Pasture-Summer-Coal/Dipper**: Livestock will be moved from this use area no later than July 05 to allow for adequate hot season rest for riparian vegetation growth following grazing.

***** **Third Use Pasture-Summer-Little Muddy**: Livestock will be moved from this use area no later than August 01 to allow for adequate hot season rest for riparian vegetation growth following grazing.

***** **Last Pasture-Off pasture-South**: Livestock will be removed from this pasture no later than September 1.

YEAR 2	START	MOVE TO	MOVE TO	OFF	
	Coal/Dipper	Huff	South	Little Muddy	
	6/01 to 6/30	07/01 to 7/20	7/20 to 8/25	8/26 to 9/15	

***** **Spring Use-Start Pasture-Coal/Dipper**: When the Coal Creek/Dipper Pasture is used first in the spring, the start date will be June 1. Livestock will be moved from the spring pasture no later than June 30.

***** **Second Use Pasture-Summer-Huff Creek**: Livestock will be moved from this use area no later than July 20 to allow for adequate hot season rest for riparian vegetation growth following grazing.

***** **Third Use Pasture-Summer-South:** Livestock will be moved from this use area no later than August 25 to allow for adequate hot season rest for riparian vegetation growth following grazing.

* **Last Pasture-Off Pasture-Little Muddy:** Livestock will be removed from this pasture no later than September 15.

YEAR 3	START	MOVE TO	MOVE TO	OFF	
	Little Muddy	South	Huff	Coal/Dipper	
	5/16 to 6/15	6/16 to 7/20	7/21 to 8/05	8/06 to 9/1	

***** **Spring Use-Start Pasture-Little Muddy**: Livestock will be moved from the spring pasture no later than June 15.

***** **Second Use Pasture-Summer-South**: Livestock will be moved from this use area no later than July 20 to allow for adequate hot season rest for riparian vegetation growth following grazing.

***** **Third Use Pasture-Summer-Huff:** Livestock will be moved from this use area no later than August 05 to allow for adequate hot season rest for riparian vegetation growth following grazing.

***** **Last Pasture-Off Pasture-Coal/Dipper:** Livestock will be removed from this pasture no later than September 1.

YEAR 4	START	MOVE TO	MOVE TO	OFF	
	South	Little Muddy	Coal/Dipper	Huff	
	5/16 to 6/20	6/21 to 7/15	7/16 to 8/15	8/16 to 9/1	

***** **Spring Use-Start Pasture-South**: Livestock will be moved from the spring pasture no later than June 20. Cattle would be held in Mill Creek, First Creek, and Second Creek until 6/5 to 6/10 when ½ of the herd numbers would be moved in Muddy Creek and Muddy Ridge, and 6/10 to 6/15 when the second ½ of the herd numbers would be moved south into Robert's area south of Mill Creek.

***** **Second Use Pasture-Summer-Little Muddy**: Livestock will be moved from this use area no later than July 15 to allow for adequate hot season rest for riparian vegetation growth following grazing.

***** **Third Use Pasture-Summer-Coal/Dipper:** Livestock will be moved from this use area no later than August 15 to allow for adequate hot season rest for riparian vegetation growth following grazing.

* **Last Pasture-Off Pasture-Huff Creek:** The cattle will be removed from this pasture no later than September 1.

Grazing Rotation and Pasture Management System for Sheep, Basic Schedule

The information in the chart below shows the numbers of livestock and AUMS that will be authorized to graze in 2005. The numbers include the 8% non-use for Raymond Canyon. These numbers will be shown on the 2005 Grazing Applications, and will not be reflected on the Grazing Permits.

AUTHORIZED (BASIC) PREFERENCE, MARCH 1, 2005						
SHEEP						
SPRING USE						
NUMBER	NAME	TYPE OF USE	NUMBER	DATE ON	DATE OFF	AUMS
4904138	ROBERTS	FEDERAL	2484	05/05	06/30	931
		E/U	*370*			*139*
4904005	ARGYLE	FEDERAL	2070	05/10	07/09	830
		E/U	*74*			*30*
4900217	ROBERTS	FEDERAL	1	05/05	06/30	1
		E/U	*313*	*05/05*	*06/30*	*117*
4900221	ARGYLE	FEDERAL	166	05/10	07/06	72
4904028	3Y LIVESTOCK	FEDERAL	1086	05/10	07/06	414
		E/U	*850*			*325*
4904062	JOHNS	FEDERAL	340	05/10	07/06	130
		E/U	*109*			*41*
4904080	HIRSCHI	FEDERAL	18	06/01	06/30	4
4900219	ARGYLE	FEDERAL	396	05/05	07/09	172
	TOTAL					2554 FEDERAL AUMS 652 E/U AUMS
FALL USE						
4904138	ROBERTS	FEDERAL	2484	09/30	10/10	180
		E/U	*370*			*27*
4904005	ARGYLE	FEDERAL	1225	09/17	10/15	234
		E/U	*44*			*12*
4900221	ARGYLE	FEDERAL	97	09/17	10/15	18
4904028	3Y LIVESTOCK	FEDERAL	1084	09/20	10/31	299
		E/U	*850*			*235*
4900217	ROBERTS	FEDERAL	460	09/30	10/10	33
	ROBERTS	*E/U*	*340*	*09/30*	*10/10*	*22*
	TOTAL					764 FEDERAL AUMS 296 E/U AUMS
	TOTAL					3317 FEDERAL AUMS 948 E/U AUMS

- Areas or drainages grazed in the spring by sheep will not be re-used in the fall. The utilization criteria of 5 inches of stubble height on the sedge communities and 40% use levels on willows will apply to the fall use areas. This applies to major drainages/ridges like North Corral Creek or Muddy Ridge.
- Lambing in the same area every year may be causing resource damage. Different lambing areas should be found and worked into the rotation. 43 §§ 4180.2(f)(2)Fallback guidelines(xii) Continuous, season-long livestock use is allowed to occur only when it has been demonstrated to be consistent with achieving healthy, properly functioning ecosystems;
- The 3Y Livestock Company is the only large sheep operator using the north end of the allotment on a yearly basis. The 3Y is authorized on both the Inchauspe and Smithsfork Allotments. 3Y can use one allotment in the spring and the other in the fall, in their own grazing system. The Smithsfork would be used first every other year, and last the alternating years. The reverse would occur on Inchauspe. This would allow a deferred grazing system for the sheep use on the north end of the allotment. This use can be coordinated with the cattle use on the Inchauspe allotment. This use is defined in the Inchauspe Allotment Management Plan.

- Roland Johns would rotate his herd through the uplands on the entire south pasture moving on average every 4-6 days. This use would be coordinated with Roberts and Argyle.
- One (1) year in four, cattle would start in the south pasture: i.e.: The cattle would start in Mill Creek, First Creek, and Second Creek and:
    - Roberts: 05/05 To 6/15: Sheep on North Corral Creek, South Corral Creek, and areas west and south to the boundary fence with Quealy Reservoir, then allow cattle to move into this use area on June 15. Sheep would move north into uplands in cattle spring use area.
    - Argyle: 05/10 To 6/10: Sheep on Muddy Ridge, then allow cattle to move into this use area on June 10. Sheep would move north into the uplands of the Little Muddy pasture.
- Three (3) years, when cattle start in Little Muddy, Coal/Dipper, or Huff pastures then:
    - Roberts, scatter in entire South End including Mill Creek, concentrating on the upland areas.
    - Argyle, scatter in South End, including First Creek and Second Creek, concentrating on the upland areas.

2. Flexibility

It is recognized that it may take up to 10 days to complete the pasture move. Gates in the division fence can be opened 5 days prior to the designated move date. The gates must then be closed after the livestock have been moved. All permittees will provide riders under direction of the range boss to effectively complete the pasture move. If half the livestock are moved prior to the listed move date, then the remaining 50% could be moved in the 5 days after the specified move date, (see grazing rotation for cattle on page 13). The permittees will notify the KFO prior to using this option.

The permitted dates for cattle use on the allotment are May 15 through September 1, except when the Coal Dipper Pasture is used. If the Smithsfork Grazing Association applies for a later turn on date for the entire cattle herd, then the off date can be extended also: i.e.; June 1 through September 15. All cattle will be run as a herd and all permittees will be expected to comply with the applied for dates.

If forage conditions in the last pasture exceed vegetative use objectives, then a possible extension of grazing could be authorized. Certain other conditions would have to be met: (1) stubble heights would have to exceed 10 inches in the fall use pasture and (2) use level objectives would have had exceeded in the first, second and third use pastures. No additional use would be authorized if other pastures had been used heavier than prescribed.

Heavy snow conditions in the north and middle pastures may require using the south pasture first out of the planned sequence. Also, if light snow conditions allow, the middle or north pastures may be used first out of the planned sequence.

When the south pasture is the planned spring use pasture, then running a split herd with half the cattle in the south pasture and half the cattle in the Coal Dipper Pasture would be authorized if applied for. This would eliminate some of the cattle/sheep conflicts that arise when both the cattle and sheep use the south pasture at the same time. Splitting the herds would only be authorized when the south pasture is used first.

3. Allotment Resource Specific Objectives

The Allotment Resource Specific Objectives, which are quantifiable, specific and can be directly analyzed in the 2008 allotment evaluation, have been incorporated. The BLM feels that when these objectives are met, then the allotment will have met the minimum level for good resource conditions. These are long term objectives and the level of satisfactory progress towards meeting these objectives will be analyzed in the 2008 allotment analysis. These objectives are:

- Attain an average streambank vegetative shade canopy of 40%. This objective was stated in the Thomas Fork AHMP.

- The percentage of banks allowed to have bank trample is less than 25% of the stream banks.
- Have the Bonneville Cutthroat Trout in the potential but currently unoccupied streams. This objective was stated in the Thomas Fork AHMP and includes Huff Creek, Coal Creek, Little Muddy Creek, and the South Fork of Raymond Canyon.
- The vegetative use level objectives are:

a. The stubble height objective for the standing stubble on the green line on the federal riparian areas in all pastures will be an average of 5 inches of standing stubble for Nebraska Sedge, Carex nebraskensis, or Beaked Sedge, Carex rostrata, the identified key species. This use will be measured after all livestock have left the allotment in the fall. Five inches has been identified as the minimum stubble height needed to provide streambank protection for the following spring runoff. The use level listed in the 1986 RMP for riparian areas was 60%. The 5 inch stubble height more approximates 50% use and is the minimum stubble height recommended for bank protection and achievement of improved riparian conditions.

b. The allowable use criteria objective for willows in all pastures for willows is 40% of current years growth based on the average percent of leaders browsed on approximately 20 plants on the federal riparian transects as measured after all livestock have left the allotment in the fall.

- The BLM Riparian Initiative of 75% all streams to exist in PFC. The Riparian Initiative goal is to restore and maintain riparian-wetland areas so the 75 percent or more of these areas are in proper functioning condition.

RATING (by federal land miles only) PFC = Proper Functioning Condition; NF = Non-Functional

	PFC	FUNCTIONAL AT RISK TREND			NF
		UPWARD	NO APPARENT	DOWNWARD	
CURRENT MILES/ PERCENTAGE	10.04 17%	8.90 15%	19.98 34%	12.25 21%	7.69 13%
OBJECTIVE MILES/ PERCENTAGE	44 75%	15 25%	0 0%	0 0%	0 0%

- The Greenline Technical Review Team (TRT) read and established specific greenline objectives in 1996, 1998, 1999, and 2000. They are now scheduled to be read in 2008. This gives the fully implemented AMP one grazing cycle to be analyzed. An example of greenline objective are:

STREAM	LOCATION	COMMUNITY TYPE	YEAR OBSERVED		OBJECTIVE YEAR
MILL CREEK	T26N, R118W,	COMMUNITY TYPE	1996	1998	2008
STATE	S. 31 NWSW	SEDGE	17	10	55
		WILLOW *	0*	0*	10
MILL CREEK	T26N, R119W,	COMMUNITY TYPE	1996	1998	2008
FEDERAL	S. 35 NENE	SEDGE	25	20	55
		WILLOW *	0*	0*	5

* Greenline chart shows no willows, but narrative shows willows were present on the transect

- Reach the Bank Stability criteria of Good (7) or better on all greenlines. The bank stability criteria is a tool that gives a numeric rating to different types of vegetation and/or rocks and anchored logs and averages the values for these different components and rates the greenline for this value. In the charts below, values with (a) are comparable for both charts, i.e. Sedge Communities and Wet sedges and rushes.

LOWER LITTLE MUDDY OUTSIDE EXCLOSURE		LOCATION: T27 R119 SEC 1 NENW
Community Type	Observed 1996	Observed 1999	objective 2008
SEDGE COMMUNITIES	40	49	70
WILLOWS	0	0	5**
UPLAND	37	43	10
BARE GROUND	18	2	0
OTHER	5	6	15

Existing Community Type	Value	Count	Rating	Planned	
				Count	Rating
Anchored rock/logs	10				
Trees (coniferous & deciduous)	7				
Willows	8			5	40
Other shrubs (sagebrush, cinquefoil, etc.)	5				
Wet sedges and rushes	9	49	441	70	630
Other sedges	4				
Wet grasses (for example, hairgrass, canarygrass, reedgrass, cordgrass)	8				
Other grasses (for example, bluegrass, redtop, bentgrass, barley, muhly)	3	6	18	15	45
Sandbars, loose rock, bare soil	1	45	45	10	10
			504	725	
			5.04	7.25	

RATIONALE:

After the creation of the CRM, several different grazing systems aimed at solving the distribution and riparian problems on the allotment were tried. None of the interim grazing systems brought the improvement that was expected. No fences were constructed at that time. The systems, analyzed in the 2001 Allotment Analysis, were:

- In 1995 and 1996, the permittees proposed a rotation using herding of the individual cattle herds in lieu of pasture fencing as an alternative to season-long grazing. Riders were used for control and management of the cattle.
- In 1997, a high-intensity, short-duration system using riders was implemented under an AOP. Riders were used for control and management of the cattle.
- The 1998 AOP proposed two separate grazing rotations; one for the north half and one for the south half of the allotment. Riders were used for control and management of the cattle.
- In 1999, the AOP essentially continued the 1998 grazing plan. Riders were used for control and management of the cattle.
- In 2000, a two-pasture deferred system with one herd of cattle and individual use areas for sheep was attempted. Riders were used for control and management of the cattle.

The grazing system which included 4 pastures, deferred grazing, and AUM reduction in the Proposed Decision was implemented for the 2001 grazing season, prior to the Decision going Final. The Final Decision was issued in August of 2001.

An allotment evaluation was conducted after the 2003 grazing season. The evaluation showed that management objectives for the allotment had not been achieved.

Cattle moves between pastures in 2001, 2002, and 2003 were based on monitoring. This method did not have positive results. The cattle in 2004 were moved on planned dates with better results, but not all cattle were moved when planned and some stayed in the pastures season long. Some cattle stayed on the allotment after the permitted off dates.

Permanent fences were constructed that divide the allotment into four pastures. After the fences were built, the four pasture deferred rotation system was fully implemented. Riders were still used for management of the cattle and rotation of the herd between pastures. Problems still occurred from cattle not being completely moved between pastures and being gathered off the allotment late at the end of the season.

Six springs were developed in 2002 and 2003. These springs were developed in the uplands and provided much needed off creek water sites. Three additional springs, along with 3-4 pits are planned, but were not constructed due to the drought and lack of water at the proposed sites.

End of the year monitoring for the 2004 grazing season showed the vegetative use objectives for stubble height and willow use were met. The greenline monitoring and PFC surveys were not read in 2004. Photos taken at specific photo points taken in 1989, 1993, 1994, 1998, and again in 2004 show that resource conditions on the allotment have improved.

While the vegetative use level objectives were met and resource improvement was noted, the overall objectives on the allotment have not been met.

The RMP issued in 1986 identified several resource problems, as did the initial CRM meetings and the 2001 Final Allotment Analysis. The problems identified were: (1) the poor condition of the riparian areas on the allotment and conflicts between wildlife and fish; (2) poor livestock distribution and season-long use by livestock on the allotment; (3) problems with unauthorized use by livestock; and (4) and a lack of upland water sources

I. RIPARIAN AREAS

The stated objective in the BLM Riparian Initiative is for 75% of all streams to exist in PFC. The PFC data collected in 1994 and 1995 indicated that only 17% of the stream miles assessed on the allotment were in proper functioning condition, which is the minimum standard needed to meet objectives. Seven of the original transects were reread in 2000. The reassessment showed no or very little change in the PFC rating which indicated that no recovery was occurring. The goal of 75% had not been met. The current grazing system with deferred grazing and reduced numbers has had a positive effect on the riparian areas as documented in the photos taken in 2004. The new AMP will continue these practices and include additional management proposals aimed at further improvement on the riparian areas.

The site specific riparian objectives for the greenline transects were initially set for five years. Some of the transects were re-read in 2000. At that time, none of the greenline objectives were met. Monitoring was conducted at several greenline sites at the end of the 2004 grazing season. Monitoring indicated that willows are increasing on the sites. Photo documentation of several photo points, 1989 vs 2004, indicates that the streams are showing improvement at these sites.

The end of the year monitoring indicated the vegetative use level objectives for stubble heights in 2004 were 4.8 inches: in 2001 it was 3.42 inches; in 2002 it was 4.8 inches, in 2003 it was 3.33 inches. In 2004, the vegetative use level objectives exceeded the 5 inch height in three of the four pastures and were the highest average measured in the south end. Willow use averaged 27% with only the summer use pasture exceeding the 40% use level.

Improvement was documented in several different areas. These are:

- Willows were found on greenline transects that had no willows the last time the greenline transect was read. Willows up to three feet in height were found on Mill Creek. New willows were found on Coal Creek and Stoner Creek where no willows have been observed before.
- The vegetative use objective was met on the north end spring use pasture, the middle use pasture, and the fall use pasture.
- The willow use objective was met in the spring use pastures. The willow use was not met on Stoner Creek, but willows were observed where no willows have been found before.
- The south end spring use pasture, was at 4.43 inches. This is the highest stubble height measurement monitored on the south end of the allotment.

II. LIVESTOCK DISTRIBUTION

Prior to the CRM process, livestock were turned out on the allotment in the spring and taken off the allotment in the fall. There was very little management and cattle tended to stay in the riparian areas for most of the grazing season. The over use of the riparian areas was documented in the 2000 Allotment Analysis with some areas exceeding 80%. The 2000 Allotment Analysis also documented that a large percentage of the uplands on the allotment were not being utilized at all by cattle.

In previous years, pastures were not cleaned when the KFO staff requested the move. Concentrating cattle in parts of the spring use pastures, and then moving them to another part of the pasture, instead of moving to the next pasture when requested did not work in 2003. The riparian areas were used very heavily first, and the riparian areas could not recover. Also, livestock were not totally moved out of the spring use pastures, and the remaining cattle and fall sheep use took the re-growth that had occurred on the key species, Nebraska Sedge and the willows.

Considerable cattle use occurred in Raymond Canyon which was supposed to be rested in 2003. Most of these cattle appeared to come out of the south pasture though an unfenced saddle near the center of Section 16, a state section. Some cattle also went around the west ends of the east gap fence and west gap fence on the north of end of the fenced Raymond Canyon Watershed.

The allotment was not cleaned of cattle by the off date of September 15, 2003; 185 head were counted on September 16, 2003. This represents over 10% of the herd left on the allotment.

After the 2004 grazing season, far fewer cattle were found on the allotment after September 1. Up to six riders were documented riding the allotment each day the KFO staff was on the allotment completing fall monitoring. A more intense effort was made to move cattle when the pastures were closed, although there was not 100% successful. Cattle were counted on the allotment through October 1, 2004. It was reported to the KFO that 53 head of cattle were still in the Little Muddy Drainage on October 14, 2004. Although a better attempt to gather cattle was demonstrated in 2004, the permittees still need to work at the gathering and provide adequate riders to complete pasture moves and the end of the year gather in a timely manner. If the pastures had been cleaned at the time of the prescribed pasture moves, then all the cattle would have been in the last pasture and the end of the year gather would have been much easier.

The specified move dates gave the permittees a more dependable target for moving the livestock and, although cattle were still left in the pastures, it appeared to work better than in previous years. The cattle that were not moved still had a negative effect on the stubble heights and willow use.

III. UNAUTHORIZED USE

During the 2002 and 2003 grazing season, the KFO monitored the Smithsfork grazing allotment, which included counting cattle, documenting numbers and identifying brands. In 2002, four brands were counted that were not authorized to be on the allotment by any filed annual grazing application. In 2003, cattle bearing nine unauthorized

brands were counted on the allotment after the end of the grazing season. The BLM was unable to determine if these unauthorized cattle may have come from other sources off the allotment.

No unauthorized brands were counted during the 2004 grazing season. Cattle carrying unauthorized brands identified in 2003 had been re-branded with authorized brands or authorized ear tags for the 2004 grazing season. Certain ear tags found in 2003 were not found in 2004.

IV. LACK OF UPLAND WATER SOURCES

Prior to the 2001 Final Decision very little water development work had been done on the allotment. A few old springs and pits existed, but no new developments. In 2002 and 2003 six new springs were developed. Three springs and three or four pits were planned for construction or reconstruction, but due to the drought, the development of these springs and pits was delayed. They are still planned, and when the water returns to the sites, they will be developed.

CONCLUSION

The overall conclusion drawn after the Allotment Evaluation written in 2000 was that none of the objectives set for the allotment have been met and there were still serious problems on the allotment. The riparian areas were not meeting current standards of PFC nor meeting any of the objectives set out in the Thomas Fork AHMP. Only two of eleven greenline transects were meeting objectives. Some uplands, especially the stream terraces and dry meadows that have been over grazed for many years, did not meet a desired plant community objective for plant diversity.

A second Allotment evaluation was conducted after the 2003 grazing season. The evaluation showed that management objectives for the allotment were not being achieved.

Monitoring after the 2004 showed that improvements have been made and there has been progress towards meeting the Vegetative Use Level Objectives.

- In the south pasture: One transect was above the 5 inch stubble height requirement; four transects were close to the objective, and one was below the objective by over an inch. Average stubble height was 4.43 inches. Average willow use was 32 percent on the willows found on the greenline transects on Mill Creek. Over 20 willows were found on the Green Line transect on the Federal on Mill Creek. When the Greenline were previously read in 1996 and 1998, very few willows were found.
- On transects measured in the Coal Dipper Creek pasture, the average stubble height on Nebraska Sedge was 5.23 inches. The average bitten percentage on willows measured was 15 percent. In the SW1/4 of section 25, lots of small young willows are showing up; approximately 75 willows were observed in this transect.
- Use in the Stoner-Little Muddy Pasture averaged 5.48 inches. Average willow use was 57%. No willows were found during the greenline transect in 1999. Use in Huff Creek averaged 6.78 inches.
- Use measured in Raymond Canyon averaged 11.2 inches with little to no use on the sedges. Average willow use was 3.5% with the most use measured at 11.6% with evidence suggesting this was all wildlife use..
- Photos taken in 2004 at photo points taken in 1989 and 1993 show improvement on the allotment: streams are narrowing and deepening, the greenline vegetation is expanding, willows are expanding, bare banks and soil are disappearing.

The streams, especially Mill Creek, are starting to deepen and narrow, are developing more sinuosity, have developed more greenline vegetation, have less bare ground along the riparian areas, and are starting to have more willows show up in the riparian areas. Beaked sedge is starting to expand into areas where Nebraska sedge already exists. Beaked sedge is used to a lesser degree and thus has more growth at the end of the grazing season to provide

more stream bank protection than the Nebraska sedge. These areas of observed improvement show that progress towards the listed objectives has been achieved, but the overall objectives on the allotment have not as yet been met.

The monitoring in 2004 shows a marked improvement over previous years, although the resource objectives have not been achieved as yet. The BLM feels this is due to several factors: the four-pasture system was fully implemented using deferred grazing management, the livestock numbers have been brought closely into line with the 30% reduction and 8% non-use and was aligned more closely to the capacity of the allotment, the permittees made a stronger effort to manage their cattle, and there was a stronger effort to keep the range projects maintained.

The Final Rangeland Health Standards and Guidelines Conformance Assessment dated May 5, 2000, found that the resource conditions on the allotment did not meet Standard #2 (Riparian and wetland vegetation . . .) and Standard #4 (Rangelands are capable of sustaining viable populations and a diversity of native plant and animal species appropriate to the habitat . . .). The Assessment stated timing, duration, and levels of authorized grazing must be addressed throughout the allotment to ensure adequate progress towards meeting the standards and allotment objectives. Range Improvements may be utilized to address implementation of grazing management changes to restore, maintain, or enhance habitats to assist in the recovery of sensitive or listed species. 43 CFR 4180 requires the BLM to take appropriate action the address the problems found in the assessment.

The AMP meets the legal obligation for addressing the stated problems of timing, duration, and levels of authorized grazing as stated in the Final Assessment. The management stipulations listed in the AMP will provide direction and guidance for the permittees to meet the objectives on the allotment. In 43 CFR 4180 it states the authorized officer shall take appropriate action under subparts 4110, 4120, 4130, and 4160 of this part as soon as practicable …upon determining that existing grazing management needs to be modified… The incorporation of the AMP into the permits and the implementation of the AMP meet this requirement.

The S&G assessment identified management actions that were needed on the allotment:

- Future permit terms and conditions need to address a reduced amount of hot season grazing that occurs on the same riparian areas at the same time each year and discontinuation of season long grazing on parts of the allotment.
- Grazing management practices must provide for restoration, maintenance and improvement of riparian plant communities, and maintenance of adequate residual plant cover following grazing.
- Timing, duration and levels of authorized grazing must be addressed throughout the allotment.
- Range improvements could be utilized to address implementation of grazing management changes to restore, maintain, or enhance habitats to assist in the recovery of sensitive or listed species.

The AMP, with its management proposals, grazing system, and identified objectives, will adequately provide management actions to address these concerns:

> Season long grazing has been eliminated. The deferred grazing season provides for periodic rest of each pasture over a four year period by adjusting the timing, duration, and reduced levels of grazing, and will provide for restoration, maintenance and improvement of riparian plant communities, and maintenance of adequate residual plant cover following grazing. The permittees will be responsible for the on the ground management of the livestock and are expected to provide adequate control over the livestock. The springs that have been developed and will be developed are on upland sites and decrease grazing pressure on the riparian areas by drawing livestock into the uplands.

By implementing this decision, the BLM will continue to provide management that will help move towards achieving resource goals and objectives in the Smithsfork grazing allotment. The defined pasture use strategy will provide for a deferred grazing season rest in all pastures. Pasture re-grazing will be greatly limited and/or eliminated. The deferred rest will provide for the recovery of riparian species through increased stubble heights and provide opportunity for late season growth and seed set. The management strategy will also relieve overuse of the willow community by implementing a multiple pasture strategy with move criteria based on willow utilization. Willows will be allowed to recover on all streams to provide the stream shading objective in the Thomas Fork

AHMP. The rotation system will give the permittees specific move dates on which they can plan ahead of time and have riders available when they are needed.

The permittees will know when the planned pasture move dates are and can plan for this. The pastures need to be completely cleaned at the time of the planned move dates and all the livestock need to be gathered and removed from the allotment on or before the permitted off dates. Cattle left in pastures and cattle left on the allotment after the permitted off date can and do make additional use of the vegetative resource and continue to keep the allotment from meeting objectives.

With this in mind, the BLM believes the actions taken in this decision, issuing new ten year permits with the inclusion of the AMP, will continue improvement of the resource and eventual attainment of the 75% PFC rating on all streams on the allotment, have the BCT in all potential streams, and meet or exceed the other resource objectives.

THE AUTHORITY FOR THIS DECISION IS CONTAINED WITHIN:

43 CFR 4110.3-2(b) which states.

> (b) When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization, or when use exceeds the livestock carrying capacity as determined through monitoring, the authorized officer shall reduce permitted grazing use or otherwise modify management practices.

43 CFR 4110.3-3(a) which states.

> (a) After consultation, cooperation, and coordination with the affected permittee, the State having lands or managing resources within the area, and the interested public, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer. Decisions implementing '41101.3-2 shall be issued as proposed decisions pursuant to '4160.1.

43 CFR 4120.2(a)(1)(2)(4) which states.

> (1) include terms and conditions under " 4130.3, 4130.3-1, 4130.3-2. 4130.3-3, and subpart 4180 of this part;
> (2) Prescribe the livestock grazing practices necessary to meet specific resource objectives;
> (3) Specify the limits of flexibility…
> (4) Provide for monitoring to evaluate the effectiveness of management.

43 CFR 4130.3-1(a) which states.

> (a) The authorized officer shall specify the kind and number of livestock, the period(s) of use, and the amount of use for every grazing permit.

43 CFR 4130.3-2 (c)(f) which states.

> (c) The authorized officer may specify in grazing permits other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands. These may include but are not limited to: Authorization to use, and directions for placement of supplemental feed, including salt, for improved livestock and rangeland management on the public lands.
> (f) Provisions for livestock grazing temporarily to be modified to allow for the restoration of vigor of plants, provide for the improvement of riparian areas.

43 CFR 4130.2(d)(4) which states.

> (d) The terms of grazing permits or leases authorizing livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless (4) The authorized officer determines that a permit or lease for less than 10 years is in the best interest of sound land management.

43 CFR 4130.6-1(a) which states.

> (a) An exchange-of-use grazing agreement may be issued to an applicant who owns or controls lands that are unfenced and intermingled with public lands in the same allotment when use under such an agreement will be in harmony with the management objectives for the allotment and will be compatible with the existing livestock operations.

43 CFR 4180.1 (b)(d) which states.

> The authorized officer shall take appropriate action under subpart 4110, 4120, 4130, and 4160 of this part as soon as practicable but no later than the start of the next grazing year upon determining that existing grazing management needs to be modified to ensure that the following conditions exist.
> (b) Ecological processes, including the hydrologic cycle, nutrient cycle, and energy flow, are maintained,
> (d) Habitats are, or are making significant progress toward being, restored, or maintained for Federal threatened and endangered species.

43 CFR § 4130.7(c) (e) which states:

> (c) "The authorized officer may require counting and/or additional special marking or tagging of the authorized livestock in order to promote the orderly administration of the public lands."
> (e) "The brand and other identifying marks on livestock controlled, but not owned, by the permittee or lessee shall be filed with the authorized officer."

PROVISION FOR PROTEST/APPEAL:

Please be advised that 43 CFR Part 4 has been amended as of January 9, 2004.

Any applicant, permittee, lessee or other interested publics may protest a proposed decision under Sec. 43 CFR § 4160.1 and 4160.2, in person or in writing to the authorized officer, Mary Jo Rugwell, Field Manager, Kemmerer Field Office, 312 Highway 189 North, Kemmerer, Wyoming, 83101, within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In accordance with 43 CFR § 4160.3(a), in the absence of protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR § 4160.3(b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant , permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR § 4.470 and 43 CFR § 4160.4 The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR § 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The person/party must also serve a copy of the appeal on any person named [43 CFR § 4.421(b)] in the decision and the Office of the Solicitor at the following address: Office of the Regional Solicitor, U.S. Department of the Interior, 755 Parfet, Suite No. 151, Lakewood, Co., 80215.

The appeal shall state the reasons, clearly and concisely, why the appellant believes the final decision is in error and otherwise complies with the provisions of 43 CFR § 4.470.

Should you wish to file a motion for stay, see 43 CFR § 4.471 (a) and (b). In accordance with 43 CFR § 4.471 (c), a petition for a stay must show sufficient justification based on the following standards:

(1) The relative harm to the parties if the stay is granted or denied.
(2) The likelihood of the appellant's success on the merits.
(3) The likelihood of immediate and irreparable harm if the stay is not granted; and
(4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and serviced in accordance with 43 CFR § 4.473. Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the office of the Solicitor and any other person named in the decision (43 CFR § 4.472(b)).

The draft Allotment Management Plan and Environmental Assessment are available on line at www.wy.blm.gov/kfo/index.htm, the Kemmerer Field Office web site. If you do not have electronic mail capability, the Kemmerer Field Office can provide you a CD with this information or a hard copy if you desire.

If you have any questions, feel free to contact either Ed Feeley at (307) 828-4531 or myself at (307) 828-4502.

Sincerely,

Mary Jo Rugwell (signed)

Mary Jo Rugwell

CC: Bart Argyle
Fred Roberts
Nadine Bischoff
Garth Boehme
Hal Cornia
K-H Cornia Investments

Roland Johns
Karma Loertscher
Eric Esterholdt
Virgil Boehme
John Boehme & Sons
3Y Livestock LC
LaVall Hirschi
Teichert Brothers, L.LC.
Evan Pope
Chuck Hardesty
Smithsfork Grazing Association
Kathy Buchner
Allen Harrison
Wyoming Outdoor Council, c/o Bruce M. Pendery
Greater Yellowstone Coalition, c/o Lloyd Dorsey
John Carter
Meredith Taylor
Wyoming Outdoor Council Sierra Club – Northern Great Plains Region
Wyoming Wilderness Association
Wyoming Wildlife Federation
AK Ranch
Western Watersheds Projects, c/o John Marvel
Jonathan B. Ratner
Minhondo Ranch
Neil Hymas
Whitney Ranches
DelMar Romroll
Lori Roberts
Dick Loper
Bear Lake Soil & Water Conservation District
Don Christensen
Mike Smith
Wyoming State Planning Coordinators Office, Office of Federal Land Policy
Wyoming Game & Fish Department
Susan Childs
Dan Stroud, Habitat Mgmnt. Coordinator
Seedskadee Wildlife Refuge
Farm Credit Service
Floyd Roadifer
Deb Paulson
Wyoming State Land Office
USFS-Kemmerer Ranger District
Senator Craig Thomas
Senator Michael B. Enzi
Lincoln County Commission
Lincoln County Commissioner Allan Linford
Demont Grandy, Natural Resources Conservation Service
Lincoln County Soil Conservation District, c/o Lowell Clark
Lincoln County Soil Conservation District
Delaine Roberts
Randall B. Luthi
Barbara Cubin
Bear Lake County Commission
Hudson Hill
Jim Loertscher
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Chuck Neil
Dana Lynn Dreinhofer
Dan and Janet Blair
Melanie Arnett
Zone 4 Inc.
Rev. Dr. Rock H. Schuler
Lesley Wischmann
Calvin Ragsdale
Budd-Falen Law Offices, P.C.
Stu Mauney
Andrew and Nancy Carson
Office of State lands and Investments
Bryan Wyberg
Darrel J. Short
Ron Lockwood
John Reed III
Sierra Club
Regional Fish Supervisor, WG&FD